

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE UNITED STATES OF  
AMERICA ex rel. CHRIS JONES,

Plaintiffs/Relators

v.

FISHER AND FISHER,  
ATTORNEYS AT LAW, PC,  
KENNETH H. FISHER, AND  
BARRY M. FISHER,

Defendants

000C 4050

JUDGE ASPEN

DOCKETED  
MAR 17 2004

FILED-ED5  
00 JUL -5 PM 12:20  
CLERK COURT  
U.S. DISTRICT COURT

INTRODUCTION

This matter is an action brought under the False Claims Act 31 USC 3729 et seq. (hereinafter the "Act") also known as a Qui Tam action to recover for the United States false charges made by the Defendants upon mortgage loan guarantees given by Department of Veteran Affairs and The Department of Housing and Urban Development.

JURISDICTION

Jurisdiction and venue is proper in this Court under 28 USC §1331, and 31 USC §3732.

CLAIM UNDER THE FALSE CLAIMS ACT

1. Chris Jones is a resident of the Kansas City, Missouri.

2. Defendant, Fisher and Fisher, Attorneys at Law, P.C., is an Illinois professional corporation engaged in the practice of law, with its principal place of business in Chicago Illinois.
3. Defendant, Kenneth H. Fisher, is an attorney engaged in the practice of law in Illinois, and is a principal and/or partner in the law firm of Fisher and Fisher, Attorneys at Law, P.C.
4. Defendant, Barry M. Fisher, is an attorney engaged in the practice of law in Illinois, and is a principal and/or partner in the law firm of Fisher and Fisher, Attorneys at Law, P.C.
5. The primary business of the Defendants is to file and prosecute mortgage foreclosure actions for various mortgage holders in federal and state courts located in the State of Illinois.
6. A large percentage of the mortgage foreclosure actions filed by the Defendants on behalf of various mortgage holders involved mortgage loans that were or are insured and/or guaranteed by the Department of Veteran Affairs through the Veterans Benefits Administration's VA Loan Guaranty Service (Hereinafter "VA"), or The Department of Housing and Urban Development through the Federal Housing Administration (Hereinafter "HUD"), both of which are agencies of the United States of America.
7. The VA and HUD mortgage loan insurance and guarantees among other items provides for the reimbursement of legal fees and costs incurred by the holders of insured or guaranteed mortgage loans in the prosecution of foreclosure proceedings.
8. The False Claims Act 31 USC §3729 et seq. provides in part that:

Any person who-

- (1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval;
- (2) knowingly makes, uses or causes to be made or used, a false or fraudulent claim paid or approved by the Government;
- (3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid; ...

is liable to the United States Government for a civil penalty of not less than \$5,000.00 and not more than \$10,000, plus 3 times the amount of the damages

which the Government sustains because of the act of that person ...

9. Defendant, Fisher and Fisher, Attorneys at Law, P.C., has violated sections 3729 (1), (2), and (3) of the Act by systematically and knowingly asserting false charges in bills for legal services with respect to mortgage loans which were guaranteed and /or insured by the VA or HUD and causing these false charges to be presented either directly or through its unknowing clients to the VA or HUD, which in reliance on the false charges made payment. These false charges include charges for the expense of service by publication that has been systematically asserted in bills for legal services over the past 10 to 25 years.
10. Defendant, Kenneth H. Fisher has violated sections 3729 (1), (2), and (3) of the Act by systematically and knowingly asserting false charges in bills for legal services with respect to mortgage loans which were guaranteed and /or insured by the VA or HUD and causing these false charges to be presented either directly or through its unknowing clients to the VA or HUD, which in reliance on the false charges made payment. These false charges include charges for the expense of service by publication that has been systematically asserted in bills for legal services over the past 10 to 25 years.
11. Defendant, Barry M. Fisher has violated sections 3729 (1), (2), and (3) of the Act by systematically and knowingly asserting false charges in bills for legal services with respect to mortgage loans which were guaranteed and /or insured by the VA or HUD and causing these false charges to be presented either directly or through its unknowing clients to the VA or HUD, which in reliance on the false charges made payment. These false charges include charges for the expense of service by publication that has been systematically asserted in bills for legal services over the past 10 to 25 years.

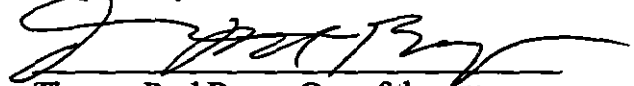
**WHEREFORE THE UNITED STATES OF AMERICA ex rel. CHRIS JONES PRAYS  
THIS COURT TO ENTER JUDGEMENT:**

1. Against Fisher and Fisher, Attorneys at Law, P.C. and in favor of the United States of America for a civil penalty as provided for in the Act.
2. Against Kenneth H. Fisher and in favor of the United States of America for a civil penalty as provided for in the Act.
3. Against Barry M. Fisher and in favor of the United States of America for a civil

penalty as provided for in the Act.

4. Against Kenneth H. Fisher, Barry M. Fisher, and Fisher and Fisher, Attorneys at Law, P.C. jointly and severally in favor of the United States of America in an amount equal to three times the total amount of the false charges.
5. Awarding the Plaintiff/Relator reasonable expenses and attorney fees as allowed by the Act.
6. Determining the amount of the award to Qui Tam Plaintiff (referred to herein as Plaintiff/Relator) as provided for under the act.

Respectfully Submitted



Thomas Paul Beyer, One of the Attorneys  
For the United States of America  
Ex Rel. Chris Jones

Thomas Paul Beyer  
Attorney for Chris Jones  
205 South Catherine Ave.  
La Grange, Illinois 60525  
(708) 352-8950

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**DOCKETED**  
MAR 17 2004  
ED-ED5  
JUL-5 PM12:30  
CLERK COURT  
U.S. DISTRICT COURT

**Plaintiff(s): THE UNITED STATES OF AMERICA  
ex rel CHRIS W JONES**

**Defendant(s): FISHER AND FISHER, ATTORNEYS  
AT LAW PC, KENNETH H FISHER AND BARRY M  
FISHER**

**County of Residence:**

**County of Residence: COOK COUNTY ILLINOIS**

**Plaintiff's Atty: THOMAS PAUL BEYER  
Attorney at Law  
205 S Catherine Ave, La Grange IL  
60525  
708-352-8950**

**Defendant's Atty:**

**JUDGE ASPEN**

**00C 4050**

**II. Basis of Jurisdiction:**

**1 U.S. Gov't Plaintiff**

*31 USC 3729 and  
28 USC 1331*

**III. Citizenship of Principle Parties  
(Diversity Cases Only)**

**Plaintiff: - N/A**

**Defendant: - N/A**

**IV. Origin :**

**1. Original Proceeding**

**V. Nature of Suit:**

**890 Other Statutory Actions**

**VI. Cause of Action:**

**31 USC 3729, False Claims Act**

**VII. Requested in Complaint**

**Class Action: No**

**Dollar Demand:**

**Jury Demand: NO**

**VIII. This case is NOT a refiling of a previously dismissed case. (If yes case number \_\_ by Judge \_\_)**

**Signature:**

*[Handwritten Signature]*

**Date:**

*6-30-2000*

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the Back button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

Eastern Division

In the Matter of

THE UNITED STATES OF AMERICA ex re. CHRIS W JONES  
V.  
FISHER AND FISHER, ATTORNEYS AT LAW PC  
KENNETH H FISHER AND BARRY M FISHER

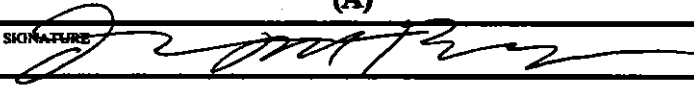
**00C 4050**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR

**DOCKETED**  
MAR 17 2004

FILED  
JUL 5 2004  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**JUDGE ASPEN**

(A)	(B)
SIGNATURE 	SIGNATURE
NAME THOMAS PAUL BEYER	NAME
FIRM ATTORNEY AT LAW	FIRM
STREET ADDRESS 205 S CATHERINE AVE	STREET ADDRESS
CITY/STATE/ZIP LA GRANGE IL 60525	CITY/STATE/ZIP
TELEPHONE NUMBER (708) 352-8950	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6194664	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
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13